



American City County Exchange
Policy Summit | Washington D.C.
Friday, December 2, 2016
11:00AM

- 1. Call to Order**
- 2. Approval of minutes from ACCE Annual Meeting July 2016**
- 3. Installation of new public and private sector national co-chairs**
- 4. Model Policy**
 - A. Public Employees Bargaining Transparency Ordinance**
- 5. ACCE Directors report**
- 6. For the good of the order**
- 7. Adjournment**

Public Employee Bargaining Transparency Ordinance

Summary

Nothing is more important to taxpayers than fiscal responsibility grounded in transparency and accountability. This ordinance opens public-sector collective bargaining negotiations and documents to public oversight.

Model Policy

In accordance with state law [Insert State Code], [Insert Jurisdiction] has been given the power to provide transparency in public-sector collective bargaining.

Section 1. {Short Title} This ordinance shall be known as the Public Employee Bargaining Transparency Ordinance.

Section 2. {Legislative Declarations} The [Insert Jurisdiction] finds and declares that:

A. Labor negotiations between government and government employees are an extension of the people's business;

B. Since those negotiations deal with the public employer and public employees, taxpayers have a vested interest in the proceedings;

C. Taxpayers deserve to observe and monitor in the processes by which public contracts are negotiated and awarded;

D. Local government should conduct deliberations openly and take actions openly.

E. Increased transparency in labor negotiation meetings and documents serves to provide all parties to the negotiations with an incentive to avoid any hint of corruption;

F. Open sessions and increased oversight help ensure that government is using taxpayer money effectively.

G. The people insist on remaining informed so that they may retain control over the instruments they have created.

Be it enacted by the [Insert governing body] of the [Insert Jurisdiction]:

That the [Insert Code] is amended by adding a section as follows:

Section 3. {Definitions} For the purposes of this ordinance:

A. "Person" means one or more individuals, labor organizations, or agencies.

B. "Public employer" means [Insert Jurisdiction].

C. "Employee" means any individual employed by a public employer.

D. "Labor organization" means any association or organization of employees, and any agency, employee representation committee, or plan in which employees participate that exists, in whole or in part, to advocate on behalf of employees about grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

E. "Collective bargaining" means the performance of the mutual obligation of the representatives of the public employer and the labor organization designated as an exclusive bargaining representative to meet and bargain in good faith in an effort to reach written agreement with respect to wages, hours, and terms and conditions of employment.

Section 4. {Open Meetings}

A. Collective bargaining sessions between a public employer or its agent and a labor organization or its agent pursuant to [INSERT COLLECTIVE BARGAINING STATUTES] are public meetings subject to the provisions of [INSERT STATE OPEN MEETINGS ACT], as now or hereafter amended. This section shall not apply to grievance, mediation, or arbitration

proceedings with labor organizations, or that portion of a meeting during which a public employer is planning or adopting the strategy or position to be taken during the course of any collective bargaining, grievance, mediation, or arbitration proceedings.

B. The public shall be given notice of any collective bargaining session as specified in the notice, through the manner prescribed by the [STATE OPEN MEETINGS ACT].

C. The representatives or agents of the employer shall be subject to liability for violations of this chapter under the [STATE OPEN MEETINGS ACT].

Section 5. {Open Documents} Any documents which are created or presented by the public employer during collective bargaining sessions, or which are received from the labor organization by the public employer in the course of collective bargaining, are public records subject to [INSERT STATE PUBLIC RECORDS LAW] [Option 1: and are available immediately; or Option 2: when the public employer or its agent and the labor organization or its agent agree to the terms of a written collective bargaining agreement.]

Section 6. {Website} The public employer shall operate a web site or contract for the operation of a web site that allows public access to all tentative and finalized collective bargaining agreements pursuant to [COLLECTIVE BARGAINING STATUTES].

Section 7. {Effective Date}

Section 8. {Severability Clause} The provisions of this ordinance are severable. If any provision of this measure or its application to any person or circumstance is held invalid, that invalidity shall not affect any other provision or application of this measure which can be given effect without the invalid provision or application. If any provision of this measure is held to be in conflict with federal law that provision shall remain in full force and effect to the maximum extent permitted by federal law. For purposes of this section, "provision" shall mean any section, subdivision, sentence, phrase or word.

Section 9. {Construction} This ordinance shall be liberally construed to accomplish its purposes.